

551.48
NMHW
v. 14
Jan. 1984

PLEASE RETURN

Montana State Library
3 0864 1006 4613 5

JAN 3 1 1984

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

high water

SHELVED WITH
ORIGINALS

FLOODPLAIN MANAGEMENT SECTION

444-6646

Volume 14.

January 1984

FEMA SUSPENDS COMMUNITY

The City of Tarpon Springs, Florida was suspended from the National Flood Insurance Program on December 5, 1983. The reason cited for the suspension was that Tarpon Springs has consistently failed to enforce the floodplain management regulations it adopted, explained Dave McLoughlin, FEMA Deputy Associate Director for State and Local Programs and Support.

Like many communities in Montana, the City of Tarpon Springs adopted floodplain management regulations in order to join the NFIP. In a news release distributed by FEMA, Mr. McLoughlin explained why the city was suspended, "The city has allowed the construction of a large number of residences that have their lowest floor built at elevations below the established flood levels."

The city was given numerous opportunities to comply with the required ordinance. FEMA made a final effort to prevent the suspension by offering Tarpon Springs authorities the opportunity to show cause why it should not be suspended. Tarpon Springs could not adequately explain all of the issues, leaving FEMA no other choice.

Tarpon Springs must correct a variety of violations and deficiencies identified in detail by FEMA in order to be reinstated in the NFIP.

The suspension imposes sanctions against the city. These sanctions mainly concern the disbursement of federal monies within the identified special flood hazard areas in the City of Tarpon Springs. This prohibits federal offices or agencies from approving any form of a loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant (in connection with a flood) or any other form of direct federal assistance. This includes VA, FmHA, FHA loans and grants, and loans from federally regulated lending institutions. The 1,116 existing flood insurance policies will continue in force until they expire, but cannot be renewed. No new flood insurance policies may be sold to Tarpon Springs residents.

FEMA performed a Community Assistance and Program Evaluation (CAPE) on the City of Tarpon Springs to evaluate the city's floodplain management efforts. Many serious deficiencies were found in the administration and enforcement aspect of the program. Many more visits, telephone and written communications offered technical assistance, apparently without success.

The city administration approved construction in the identified flood hazard areas without requiring flood-proofing activities (elevation, anchoring, and construction materials). Many unjustified permit variances were

approved by city authorities for construction that was not in compliance with their floodplain regulations which state that variances can only be approved if they can show good and sufficient cause; would cause a unique or undue hardship if not approved, would not increase flood heights, or additional threats to public safety, create an extraordinary public expense, or create a nuisance; the proposed use would be adequately flood-proofed; and determine that a reasonable alternative location outside the floodplain is not available. No such determination was made. The permit and variance procedures are described in the ordinance/resolution passed by every community in the Regular Phase NFIP.

Section 1316 of the Flood Insurance Act of 1968 allows the denial of flood insurance claims. If a structure is built in the floodplain after the community has adopted the NFIP floodplain regulations and is in violation of the regulations, the flood insurance claim can be denied if the state or local government is willing to certify that the structure is in violation.

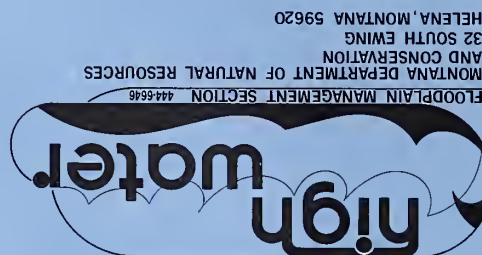
FLOOD HAZARD MITIGATION HELP

The U.S. Army Corps of Engineers (U.S.A.C.E.) has several programs that could help communities reduce or eliminate flood hazards.

Section 205 of the 1948 Flood Control Act allows the construction of small projects for flood control and related purposes. The projects must be sponsored by or coordinated with local interests which must have the power to levy taxes. The sponsor must provide without cost to the United States, all lands, easements and rights-of-way necessary for the construction of such projects. The sponsor has the responsibility of maintaining and operating the project after its completion.

Section 14 of the 1946 Flood Control Act gives the U.S.A.C.E. the authority to provide emergency stream-bank and shoreline protection works (construction, repair, restoration, and modification) to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools and other non-profit public services.

Section 206 of the 1960 Flood Control Act approves the Corps of Engineer's Floodplain Management Services Program to assist state and local governments in efforts to effect regulation of floodplain development. Technical assistance will be given to federal, state, and local governmental agencies in evaluating and using flood data in making decisions concerning flood hazards. On request, the Corps provides technical assistance and guidance to state and local governments in the



January 1984

Volume 14.

interpretation and application of data in floodplain reports. Technical services and guidance also includes furnishing generalized information on flood damage reduction (mitigation); i.e., floodplain evacuation, flood forecasting, floodproofing, and other corrective measures such as subdivision regulations, building codes, and health regulations.

Section 208 of the 1954 Flood Control Act authorizes the removal of accumulated snags and other debris, and clearing of channels in navigable streams and tributaries.

Section 55 of the Water Resources Development Act of 1974 provides technical and engineering assistance that may include services but no funds for the following: (1) discussion of specific shore and streambank erosion problems; (2) advice on current methods of economic benefit evaluation, possible methods of protection, and construction permit requirements for structural and non-structural alternatives of preventing streambank erosion; (3) copies of pertinent Corps technical data, information and reports; (4) technical aid to strengthen the recipient in developing its own capability to determine feasibility of, to prepare plans for, and to construct erosion protection projects; (5) review plans and specifications prepared by non-federal public interests or by AE firms for such interests; and (6) inspection and advice on adequacy of construction. Such assistance will not include surveys, foundation investigations, preparation of preliminary designs or plans and specifications, nor supervision and construction. All assistance will be entirely free of cost to non-federal public interests, including cost of copies of data and reports.

There are monetary requirements and limits attached to these programs and certain benefit-cost factors that must be determined before these programs can be implemented. Contact us to coordinate requests for assistance and to develop adequate requests to the Corps of Engineers.

STRUCTURE ACQUISITION PROGRAM

Section 1362 of the Flood Disaster Protection Act of the National Flood Insurance Program authorizes the Federal Emergency Management Agency (FEMA) to purchase flood-damaged property.

After FEMA purchases the property it is deeded to the community for open space uses, such as recreation and agriculture. Purchasing the property in this manner has many benefits—the community gets land for a park or other use, the property owner is relieved of flood-damaged structures, and federal flood recovery expenses are reduced.

Several requirements must be met in order for FEMA to purchase flood-damaged homes, commercial buildings, and other structures from eligible owners who wish to sell.

In every case, the property owner must have an NFIP flood insurance policy in force when the damage occurs. In addition, the structure must be located in a designated floodplain and at least one of the following criteria must be met :

- The currently damaged structure must have been damaged by at least three previous floods over a 5-year period, with an average damage of 25 percent or more of the structure's value.
- A single flood has damaged the structure 50 percent or more of its value or beyond repair to its pre-flood condition.
- Any single event has left the structure damaged and irreparable, either due to local ordinance limitations or because of significantly increased building costs.

Floodplain Management Section Staff:

John Hamill, Supervisor
Cindy Forgey, Technician/Clerk
Tim Pool, Coordinator, NFIP